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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,096	12/05/2000	James David Larsen	CU-2410	7478

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EXAMINER

TRINH, TAN H

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,096

Applicant(s)

LARSEN, JAMES DAVID

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Claims 5 and 6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claims 5 and 6 are not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claims 1- 4 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention, Pequet (EP Patent No. 0689 3003).

Regarding to claim1, Pequet teaches the method of relaying data between mobile stations in a cellular wireless communication system which comprises a plurality of mobile stations and a plurality of base stations (see communication system col. 1, lines 1-5, and fig. 1), the method comprising the making of synchronization transmissions from each base station within an area of coverage of the base station (see col. 2 lines 8-20), the synchronization transmissions defining a broadcast control channel for the transmission of broadcast data from the base station to mobile stations within the area of coverage (see col. 2 lines 8-20); receiving the synchronization transmissions at mobile stations within the area of coverage and extracting data therefrom defining the broadcast control channel (see fig. 1 and col. 3, lines 35-53), and at least one calling channel on which mobile stations can transmit probe data to one another, the probe data being

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used by mobile stations to obtain connectivity information relating to the availability of other mobile stations (see fig. 1 and col. 3 lines 35-53, col. 4 lines 42-58, col. 5, lines 1-33 and col. 48-58, col. 7 line 1).

Regarding to claim 2, Pequet teaches wherein the broadcast data transmitted from the base station to the mobile stations contains information identifying the base station and information relating to available capacity at the base station (see abstract lines 3-7 and col. 4, lines 55-col. 5, lines 1-21).

Regarding to claim 3, Pequet teaches wherein the mobile stations utilities the calling channel to broadcast probe signals to other mobile stations, the probe signals from each mobile station including information on the transmission power, local background noise level and path loss to other stations (see col. 5, lines 34-col. 6, lines 1-24).

Regarding to claim 4, Pequet teaches wherein mobile stations receiving probe signals from other mobile stations on the calling channel utility the information therein to generate connectivity data relating to the other mobile stations (see col. 4, lines 48-col. 7, line 1.)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meier (U.S. Patent No. 6,407,991) discloses communication network providing wireless and hard-wired dynamic routing.

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Hershey (U.S. Patent No. 5, 481,539) discloses data gram communication service over a cellular telephone network.

Luzzatto (U.S. Patent No. 5,689,802) discloses two-way radio with transmit mode and repeat mode.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
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July 9, 2003

